DOCUMENT RESUME

ED 188 045 FL 010 969

AUTHOR Hassinger, Paula Allison
TITLE The Development and First Year of Implementation of the California Bilingual Education Act of 1976.
PUB DATE Apr 79
NOTE 91p.: M.A. Thesis, University of Southern California.

EDRS PRICE MF01/PC04 Plus Postage.
DESCRIPTORS *Bilingual Education; Bilingual Teachers; Compliance (Legal); *Educational Legislation; *Educational Testing; *English for Special Purposes; Language Tests; *Non English Speaking; *State Programs; State School District Relationship; Student Evaluation
IDENTIFIERS *California

ABSTRACT

The first year of implementation of the California Bilingual Education Act of 1976 is documented and evaluated. The legislation is designed to provide bilingual education for limited-English-speaking and non-English-speaking students. It is concluded that the restrictive nature of the bill caused major delays in the first year of implementation and will make compliance with the law difficult in succeeding years. The validity of the San Diego Observation Assessment Instrument is in question because of its subjective scoring and lack of discrimination. An asset of the test is its availability in at least 22 languages. School districts found it difficult to recruit credentialed bilingual teachers holding the appropriate certificate of competency in the diverse languages needed. Among the recommendations are the following: (1) more time should be allowed between the collection of data about the Home Language Survey, student testing, local school implementation, and the reporting of this information to the State Department of Education; (2) there should be continuing efforts to improve the validity of the language assessment instruments and to improve the training of the personnel responsible for administering these tests; and (3) funds to assist experienced monolingual teachers to gain certificates of competency or bilingual crosscultural credentials should be made available. (SW)

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THE DEVELOPMENT AND FIRST YEAR OF IMPLEMENTATION OF THE CALIFORNIA BILINGUAL EDUCATION ACT OF 1976

A Thesis

Presented to

the Faculty of the School of Education

the University of Southern California

In Partial Fulfillment

of the Requirements for the Degree

Master of Science in Education

FL010969

by

Paula Allison Hassinger

June 1979

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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Date April 30, 1979

Dean

Guidance Committee

Chairman

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CHAPTER I

INTRODUCTION

Mounting social pressures in California over the past thirty years have caused school districts to recognize, to a limited extent, the cultural pluralism of the American society in their curricula. For example, in California the need for bilingual curriculum and instruction for a growing segment of the student population has been advocated by many minority group spokespersons and culminated in the passage of the California Bilingual Education Act of 1976 (AB1329). Through this legislation, language assessments of all students were mandated, many more bilingual classes were established, and additional certification of teachers was required.

A study of the court cases, the positions of pressure groups and the events leading to the present legislation, along with an analysis of the first year of school district operation under this law is desirable. Since the law changed (1) curriculum, (2) the approach to student placement as well as modes of learning,

(3) teaching methods, and (4) teacher certification, an evaluation of some of the outcome is appropriate. The Bilingual Education Act of 1976 purports to facilitate learning for all limited- and non-English-speaking students in California. Because it was minimally funded, it could accomplish this objective only when used as an adjunct to prior education legislation from permissive federal and state funding. However, given the vastness of the program, lack of adequate numbers of trained personnel on the state and local levels, plus related conditions under which it was forced to operate during the first year, it may not have achieved its principal objective.

The law required a home language survey and a school-administered language assessment for all students speaking a language other than English at home, or who, according to teacher judgment, were not fluent in English. This survey classified students as non-English-speaking (NES), limited-English-speaking (LES) or fluent-English-speaking (FES). Further, the law provided for fixed reporting dates, procedures for bilingual classroom instruction, mandated bilingual certification for teachers, individual learning plans for students and a required procedure to evaluate student progress.

The Problem

Statement of the Problem

The purpose of the study was to ascertain the intent of the legislation and how well it was fulfilled. To do this the investigator analyzed factors such as (1) prior state and federal legislation, (2) court decisions, and (3) attitudes and activism expressed by ethnic lay and professional groups that contributed to the passage of the California Bilingual Education Act of 1976. An outline of the first year of its implementation in local school districts is presented.

There was little published material concerned with the social pressures leading to the enactment of the California Bilingual Education Act of 1976 other than that in the minutes of legislative committees, records kept by interested organizations, and State Department of Education hearings on the subject. It seems appropriate that these problems and a survey of the first year of the law's operation be assessed and brought together in a single source, for the legislation affected more than a quarter of a million students and several thousand teachers.

This study sought to answer the following questions:

1. What were some of the problems school districts

encountered in the first year of implementation of AB1329?

2. How successful were the efforts to implement the bill during its first year?

Methods of the Study

The study has been limited to California schools since the Assembly bill came from the legislature of that state. It was based on analysis of materials found in the literature and of the opinions of experts in the fields of legislation, linguistics and bilingual education. The general literature in the field was first surveyed along with published and unpublished materials obtained from state, county, and local school district sources. Personnel within the office of the California State Department of Education and other interested organizations were consulted.

Data were gathered from individual schools and the administrative offices of two California school districts. These data were analyzed to gain an understanding of the first year of implementation of the California Bilingual Education Act of 1976 (AB1329).

Definition of Terms Used

As an investigation of the literature produced evidence of very little agreement about the definition of

terms, including the basic term bilingual (Burt & Dulay, 1978), this investigator offers those below. The first three definitions are based on those used in two widely recognized language assessment instruments, The Bilingual Syntax Measure (Burt, Dulay & Hernandez-Chavez, 1976) and the Basic Inventory of Natural Language (Herbert, 1977).

NES--non-English-speaking. In a one-to-one interview the student gives no response or shows little ability to produce meaningful English replies to questions about a picture.

LES--limited-English-speaking. In a one-to-one interview the student exhibits low comprehension of English and replies with hesitancy, uncertainty and reluctancy. The student is able to tell about a picture using sentences or phrases.

FES--fluent-English-speaking. In a one-to-one interview the student speaks English in a manner similar to that of a native speaker of the same age level. The student is able to expand conversationally from a question about a picture and express ideas, experiences or feelings other than those in the picture.

SDOAI--San Diego Assessment Observation Instrument.

An individually administered, oral comprehension and oral production instrument. It assesses a student's language fluency through an interview procedure using a series of questions about a picture.

BINL--Basic Inventory of Natural Language. A language assessment system designed to measure language dominance, proficiency and growth of students in school language arts and reading programs. It assesses a student's language fluency and the level of complexity or command of the structures of the language through an interview procedure using as many as four pictures.

Primary language. The language the pupil first learned or the language which is spoken in the pupil's home (AB1329 defines this as a language other than English. Education Code, 1977).

Bilingual-crosscultural teacher. "Bilingual-crosscultural teacher" means

> a person who (1) holds a valid, regular California teaching credential and (2) holds either a bilingual-crosscultural certificate of proficiency or other credential in bilingual education authorized by the Commission for Teacher Preparation and Licensing or a bilingual-crosscultural specialist credential. Such a person shall be fluent in the primary language and familiar with the cultural heritage of the limited-English-speaking pupils in the bilingual classes he or she conducts. Such a person shall

have a professional working knowledge of the methodologies which must be employed to effectively educate those pupils. (Education Code, 1977)

Organization of the Study

The first chapter has dealt with the problem, the purpose of the study and its procedure. Finally, a definition of terms used in the study was made. The second chapter is a review of the literature in the areas pertinent to the study along with an historical background leading to the social pressures that preceded the legislation. The third chapter discusses the assumptions upon which the study is based, legislative intent of the law investigated and criteria for its implementation. It also probes the latent effects of the Bilingual Education Act of 1976.

The fourth chapter pursues the problems involved in the implementation of the Act in its first year of mandated operation, the designated assessment instrument used, as well as the logistics of testing students and reporting to the State Department of Education. It further probes, through an analysis of the experience in two large school districts, the organization of classes, percentages of students moving from NES/LES to fluent English production, teacher stresses and an analysis of the probable need for a larger number of bilingual classrooms. The fifth chapter

is a summary and contains the conclusions and recommendations.

CHAPTER II

A REVIEW OF THE LITERATURE PERTAINING TO SOME SOCIAL PRESSURES WHICH LED TO THE PASSAGE OF AB1329

In the name of Almighty God:

The United States of America, and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony and mutual confidence, wherein the two Peoples should live, as good Neighbours, have for that purpose appointed their respective Plenipotentiaries . . . who, after a reciprocal communication of their respective full powers, have, under the protection of Almighty God, the author of Peace, arranged, agreed upon and signed the following

TREATY OF PEACE, FRIENDSHIP, LIMITS AND SETTLEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE MEXICAN REPUBLIC. . . . . .

ARTICLE IX

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican republic, conformably with what is stipulated in the preceding Article . . . according to the principles of the Federal Constitution, to the enjoyment of all the rights of citizens of the United States. . . .

So read portions of the Treaty of Guadalupe Hidalgo (Malloy, 1904) signed in 1848. Many proponents of bilingual education refer to this treaty as their legal base for the establishment of bilingual and bicultural education. There is no reference in this agreement which deals with the preservation of language, per se. Klotz (1968:24) states:

> Since Article IX of the Treaty is identical with that of the Treaties of 1803 with France and of 1819 with Spain, we can say that the issue of language was left up to those newly incorporated citizens under the protection of the U.S. Constitution. Since our Federal Constitution is mute on the subject of language, the issue becomes one of tradition, or the States Rights. Bilingualism followed similar paths in Louisiana, Florida and California. . . .

It is here in Article IX, however, that we can find some roots of California Assembly Bill Number 1329, which was approved by Governor Gerald Brown, Jr., on September 14, 1976. This bill requires each school district, other than community college districts, to undertake a census of the number of pupils of limited-English-speaking ability in the district and report its findings to the Department of Education. It also requires each limited-English-speaking pupil, as defined, enrolled in the California public school system in kindergarten through grade 12 to receive instruction in a language understandable to the pupil which recognizes the pupil's primary language and

teaches the pupil English. The specific type of instruction or program a school district is required to provide depends on the presence of a specified number of non-English-speaking or limited-English-speaking pupils, as defined, in a school with the same primary language, in the same age group, in a multigrade or ungraded instructional environment. The pupil's parent, parents, or guardian have the right not to have their child or ward enrolled in such an education program. Limited-English-speaking pupils in kindergarten through grade 12, who are not enrolled in one of these specified programs are required to be individually evaluated and receive instructional services in an individual learning program.

To those who hold that these provisions of AB1329 are rooted in the Treaty of Guadalupe Hidalgo, Klotz (1968) states that what shoots might have sprung forth early were cut down by the constitutional revision of 1879.

> . . . Article IX, Section 21, of the 1949 California Constitution, gave Spanish equal importance with English. But this section was abolished 30 years later with the adoption of the Constitution of 1879.

Pachon (1976:123) dismisses the premise of such a connection with:

> . . . It is today widely believed that the right of Mexican Americans to use Spanish is guaranteed by the Treaty of Guadalupe Hidalgo. This is not true. . . .

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The real foundations for the bill are supported by the due process clauses in the Fifth and Fourteenth Amendments of the U.S. Constitution and those mentioned by Klotz (1968:24):

> . . . The "guarantee" of bilingualism, therefore, flows from the freedoms guaranteed by the U.S. Constitution and not from those treaties. We cite specifically the Ninth Amendment, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people," and the Tenth Amendment, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

The literature seems silent about any Mexican system of education in California, though Furnas (1968:369) states that few of the gay caballeros could even sign their names. Mission records show that many Indians learned rote prayers along with skills in agriculture, adobe building construction, weaving and Mexican cooking, but apparently only the padres and presidio storekeepers were literate.

Furnas (1968:369) elaborates:

> The successful Mexican rebellion against Spain led to the ruin of the missions and their Indian wards. In the 1830's Mexico, more secular-minded than the Mother Country, withdrew the missions' land privileges and began to grant the tracts thus freed to friends of the government. The friars went back sorrowing to Spain or Mexico, leaving the Indians adrift. They now lacked their forefathers' experience in living off the country; besides, the lands, the wild produce of which had supported

grandfather, now mostly belonged to strong-armed rancheros. They could work for these secular masters at the old tasks, hoeing and herding, but it was bewildering to steer one's life in the white man's world without the discipline to which the missions had accustomed them. Many took to drink--as ruinous for them as earthquakes proved to the neglected mission churches. Some local officials connived with the rancheros in various systems of quasi-forced labor to keep the unruly in a position to earn their bread--much as the defeated South tried to do with the freed slaves after the Civil War. Others stagnated as Don Jose Ranchero's meek serfs.

After the Treaty of Guadalupe Hidalgo ended the Mexican-American War in 1848, the Anglo-Americans took over most governments in the American Southwest, establishing different laws and procedures. Some Mexicans stayed and found themselves an "instant" minority.

As Nava (1969:76) succinctly puts it:

> The war had caused hatred and suspicion between most Anglos and Mexicans. Each group could point to injustices or violence at the hands of the other. This violence continued along the new border where former soldiers and outlaws roamed, taking what they wished. Many feared for their lives and grouped together for protection. From the lower Rio Grande Valley to upper California, Mexican bandits and Anglo outlaws robbed and killed peaceful people of both groups.
>
> Many Mexicans had helped Texas and California become independent republics. Thus, after these territories joined the United States, some Mexican Americans took important roles in public life. However, they were the exception, for most Mexican Americans were bitter and did not want to become part of American society. The attitude of many Anglo-Americans made it difficult for the two peoples to get along. Most Anglo-Americans believed the Mexican Americans were dangerous obstacles to the

destiny of the new society.

Moore (1976:31-53) and Nava (1969:77-91) tell us that by the turn of the century it was a well established custom for the Anglo-Americans and Mexican Americans to live in different sections of the cities, seldom mingling except at work. In time separate stores, schools, clubs and places of entertainment were established for each group. In California most of the better land was now owned by the Yankees, who had passed laws that favored themselves. The Spanish speaking Californios, whom early explorers such as Fremont characterized as full of warmth, charm and "a great capacity for life enjoyment," had intermarried with Anglos, died or gone back to Mexico. "Mexicans" is what the people who still spoke Spanish were called now, and they were counted separately in the census. Their numbers continued to grow because of their high birthrate and after 1910 because of the many thousands who fled the Mexican revolution.

Between 1930 and 1940, during the great economic depression, many thousands of Mexican families were pressured to return to Mexico although their children were citizens of the United States. Many then endangered their United States citizenship by voting in a Mexican election or by serving in the Mexican army. After the Japanese

attack on Pearl Harbor in 1941, thousands returned to the United States because their manpower was needed in the factories and on the farms. Some came with work permits called "Green Cards," for even the lowest American wages were better than they could earn in Mexico. Almost always they lived in the Mexican American barrios, though a certain amount of friction developed because they were willing to work for less than the prevailing wage and Mexican Americans resented this. Also, at times everyone in a barrio was made to produce identification when police came hunting for "illegals."

Rodolfo Alvarez (1975:198) aptly sums up much of this by stating:

> There is for Mexican Americans a very bitter irony in all of this. The irony is that the post-1900 migrants and the pre-1900 lower caste citizens of Mexican descent learned to live more or less comfortably with all of this largely because of their frame of reference. Both constantly compared themselves to Mexican citizens in Mexico. That they should have Mexico as their cultural frame of reference is understandable. The irony is, however, that they never compared themselves to other minority groups in this country, possibly because of geographical isolation. . . . He became aware of his lower caste and was forced to remain in it. By that time it was too late. He had learned to enjoy a higher wage than he would have had in Mexico and to accept a degrading lower caste position. . . .

Both Nava (1969:96-101) and Pachon (1976:146-58) feel that numerous changes took place for Mexican Americans

as a result of World War II (1941-45). This conflict drew many young men and women from the barrios, exposing them to social climates where they were not considered second-class citizens. They gained pride and confidence as they learned in the armed forces and defense industries that all Anglos were not the same. Their fine military records helped free them from prejudice and they wanted many freedoms when they returned to the southwestern states.

A stereotype of the Mexican American as politically apathetic had come partly from the feeling of powerlessness mentioned by Alvarez above. The overt oppression of the Ku Klux Klan activities in Texas, the largely middle class assimilationist attitudes of organizations such as the League of Latin American Citizens (LULAC), and the forced repatriation of Mexican Americans had combined to make this stereotype more real than apparent.

With the return of the veterans came a feeling of legitimacy for political activism, so the old stereotype was broken. LULAC expanded its constitution to include the following goals: "eradication of discrimination . . . seek equal protection under the law--political unification . . . (and) participate in all local, state and national political contests." The American G.I. Forum (organized in 1948) urges its some 20,000 members in 23 states to participate

in politics and lobby for Mexican American appointments at local and state levels. Toward the end of the 1950s the Mexican American Political Association was formed in response to the frustration of lost elections and with the purpose of active endorsement of Mexican American political candidates.

Several famous court cases, Brown (1954), Escobedo (1964), Rodriguez (1971), and Lau (1974), established the broad principal of cultural pluralism as an appropriate concept in the United States, along with a requirement that students be instructed in some manner in their first language. They also implied that bilingual education is a worthy goal (Phillips, 1976:30-31).

While these court decisions tended to provide a legal base for the operation of culturally pluralistic programs (which had been neglected in the public schools since World War I), they only held that some steps must be taken to counter negative self-concepts and images of racial minorities plus the fact that the student had the right to acquire bilingual instruction in local school districts. As Goodenough (1976:4-7) points out, a limited kind of social pluralism, generally called socialization of students by the schools, has been one of public education's major functions since the inception of formal instruction in the

United States. The court decisions embraced also the anthropological perspective that many children have culturally different learning environments at home and that schools must change their curriculum and teaching methods to be consistent with these cultural backgrounds.

The Black Power movement of the 1960s helped Mexican Americans see that civil equality alone did not achieve meaningful social change and that rejecting assimilation can effectively point out "institutional racism." When federal antipoverty programs were started in response to Black riots, the Mexican Americans began demanding a "fair share" of these. In 1967 many young Chicanos attended a La Raza conference where they vented their anger at traditional politics, then organized the Mexican American Students (UMAS), the Mexican American Student Confederation (MASC), and the Movimiento Estudiantil Chicano de Aztlán (MECHA). Chicanismo emerged--in essence it is an eclectic ideology that at times has drawn inspiration from the Black experience, the Latin American revolutionary experience, and the Mexican revolutionary tradition.

Chicanismo sees Chicanos basically as a conquered, exploited people whose children are still being decultrated in schools that fail to teach them their bilingual-bicultural heritage. Chicanismo angrily denies that

Mexican American children are the products of a folk culture dominated by traditional values that make it difficult for them to learn in American schools. The student groups mentioned above staged "blow outs" and other protest demonstrations in California (as well as other southwestern) schools--mostly on the secondary level.

California Assemblyman Peter Chacon, a World War II U.S. Air Force veteran, is a product of this activist era. When the U.S. Congress passed the Bilingual Education Act, Title VII, in 1967, this adjunct to the Elementary and Secondary Education Act of 1965 came under his careful scrutiny. He approved of the fact that this Act provided federal funding (albeit permissive) for bilingual programs, sanctioning financial support for the following activities:

a) The establishment and improvement of bilingual education programs
b) Auxiliary and supplementary activities pursuant to bilingual education
c) Adult education programs for parents of enrolled students
d) Preschool preparatory supplementary bilingual programs
e) Inservice training for teachers and aides
f) Special training programs to meet individual needs

g) The payment of stipends for training teachers and aides

h) Technical assistance to local programs for the U.S. Office of Health, Education and Welfare.

The Act proposes a comprehensive instructional program in English and the dominant language of the student. Additionally required are the history and culture of the United States along with the history and culture of the geographic area associated with the dominant language of the children. It emphasizes facilitating concept development and the improvement of reading and writing skills in the two languages.

Since Title VII funds a maximum of 70 new projects (nationwide) at the end of any three-year cycle, and since the need in California was greater than federal support, Assemblyman Chacon felt the efforts to be inadequately funded by the national government. He concluded that his state needed its own, more encompassing law that recognizes the importance of preserving with respect the language and culture of the Mexican American. With political acumen and great energy he solicited the help of many people, some of them members of such organizations as the Association of Mexican American Educators (AME), the California Association

for Bilingual Education (CABE), the League of Latin American Citizens (LULAC), the Equal Education Opportunity Committee of the Association of California School Administrators (ACSA), and Padres Bilingüe-Bicultural del Otoño. One of the first results of their combined efforts was California Assembly Bill Number 2284 (Chacon et al.), which will be discussed in more detail below.

Congruent social pressures generated by the San Francisco Chinese community culminated in the court case, Lau versus Nichols et al. The decision handed down by the U.S. Supreme Court in 1974 directed that students whose first language is not English must be provided the opportunity for instruction in that first language. By July of 1975, the U.S. Department of Health, Education and Welfare Office of Civil Rights had developed appropriate affirmative steps to be taken by school districts in meeting the regulations of Title VI of the Civil Rights Act of 1964, which were amended to include requirements of the Lau decision. As a result, each school district in the nation is required to identify the primary home language of its limited-English/non-English-speaking students. Further, diagnosis, prescription, and a process and product evaluation plan is specified. School districts in noncompliance are given 210

days to comply. The penalty of failure is the suspension, termination, or the refusal to grant federal financial assistance.

Meanwhile, the California Bilingual Education Act of 1972 (AB2284) had been signed in December by Governor Ronald Reagan (Greenwood, 1972:pt. I:32). As does Title VII, it requires an articulated, sequential program in English as well as auxiliary and supplementary activities in the primary language of the student. Also included are adult education for parents plus inservice training for teachers and aides. In addition, it suggests that at least one third of students be fluent in English and conversely implies that teaching a foreign language to English speaking students is an appropriate activity. It does not provide for preschool preparatory programs. It does require the use of bilingual teachers but does not furnish funds for training them.

This latter requirement led to the Bilingual-Crosscultural Teacher Preparation and Training Act of 1973 and the establishment of a Specialist credential in that instructional area. The Act caused the Commission for Teacher Preparation, with the assistance of the California State Superintendent of Public Instruction, Community

Colleges, State Colleges and Universities, to design a comprehensive language and culture curriculum to enable certificated teachers to qualify for a Bilingual-Cross-cultural Specialist credential. In addition it provides (through 1979) a grant program allocated to bilingual aides participating in sequential career ladder training.

Those districts which had submitted applications for funding were operating bilingual programs, for the bill was permissive. The 1974 Report of the Legislative Analyst criticized these programs. Assemblyman Peter Chacon, who had been the principal author of the bill, felt that changes in the State Department of Education's organization and procedures for bilingual education were necessary to protect the benefits of AB2284. He and the Chicano Caucus (another pressure group) met with Doctors Gil Martinez and Xavier del Buono (officials of the State Department of Education) to discuss these problems.

The Legislative Analyst had charged that:
(1) bilingual programs authorized under the Bilingual Education Act of 1972 had been ineffective and deficient;
(2) no single department was responsible for the direction or monitoring of the programs; (3) $570,000 (14.7 percent of the allocation to local school districts) was unexpended;

and (4) the State Board of Education did not adopt rules and regulations governing administration of these programs until May 5, 1975. After subsequent meetings with Wilson Riles, State Superintendent of Schools, changes were made to include realignment of administrative procedures and personnel, plus the reconstitution of the Bilingual Task Force as a permanent unit within the department.

Assemblyman Leroy F. Greene, chairman of the California State Assembly Education Committee, called for a public hearing to be held on October 19, 1975. The purpose of the hearing was to examine the need for, funding and management of, the various categorical aid programs designed to serve the needs of limited- and non-English-speaking students. At the hearing, testimony was taken from the California Legislative Analyst, the Commission for Teacher Preparation and Licensing, Department of Education, superintendents, teachers, and anyone else who wished to testify. (See Appendix C, p. 96, for the notice of this public hearing.)

Assemblyman Chacon considered these charges to be serious, so on June 25, 1975, he sent a letter to all school districts and anyone else he thought would be interested to ask for support for the changes believed necessary. He

received immediate response to register agreement to the changes and many members of groups listed previously testified at the public hearing. These various factors assisted Mr. Chacon in convincing the California legislature and Governor Gerald Brown, Jr., of the need for additional legislation on bilingual education at the state level. (Also see his letter to Governor Brown in Appendix B, p. 93.)

The League of Latin American Citizens had not been caught by surprise when it was time to deliver this testimony at the meeting mentioned immediately above, for on December 12-13, 1974, it had co-sponsored the Conference on Quality Education: Practical Alternatives held in Los Angeles. (See Appendix A, p. 86.) In an address to the conferees, Tomas Arciniega (1974:3-4), a member of the faculty at San Diego State University, outlined the current inadequacies of education for NES/LES students in California. They were:

1. Superficial treatment of historical, cultural and economic contributions of Mexican Americans in the curricular programs of schools
2. A perjorative perspective regarding the status of Spanish as a bona-fied medium of instruction in the classroom

3. Lack of authentic involvement of the Mexican American community in the decision making structure of school systems
4. Underrepresentation of Chicanos in district staffing patterns
5. Testing and counseling programs based on a "cultural deficit" perspective of Mexican American needs.

Dr. Arciniega recommended the pursual of the following alternatives to the tractive approaches he listed:

1. The advocacy of the belief that cultural diversity is a worthy goal and that respect be granted to the culture the child brings to school
2. The requirement that teachers have literacy in the minority language, ability to adapt materials that are culturally relevant to the minority child and an awareness of the implications of language and culture to learning (e.g., a special credential)
3. The desire to involve minority parents in school programs and a willingness to receive their guidance and support in regard to the special needs of their children.

These recommendations resulted in a conference resolution and seem to have become basic tenets which were

included in the portions of the text of AB1329 extracted below:

> (a) "Partial bilingual instruction" means listening, speaking, reading and writing skills developed in both languages. Material related to culture and history is taught in the language the pupil understands better.
>
> (b) "Full bilingual instruction" means basic language skills developed and maintained in both languages. Instruction in required subject matter classes is provided in both languages in addition to culture and history.
>
> (c) "Bilingual-bicultural education" is a system of instruction which uses two languages, one of which is English, as a means of instruction. It is a means of instruction which builds upon and expands the existing language skills of each participating pupil, which will enable the pupil to achieve competency in both languages.
>
> This instruction shall include:
>
> (1) Daily instruction in English, language arts, listening, speaking, reading and writing;
>
> (2) Language development in the pupil's primary language;
>
> (3) Reading in the pupil's primary language;
>
> (4) Selected subjects taught in the pupil's primary language; and
>
> (5) Development of an understanding of customs and values of the cultures associated with the languages being taught as well as an understanding of the history and culture of California and the United States. . . .
>
> . . . . . .
>
> (f) "Individual Learning Program" is any program of instruction for a limited-English-speaking pupil in which instruction is offered in a manner consistnet with the U.S. Supreme Court decision in Lau vs. Nichols (414 U.S. 563), the Equal Opportunities Act of 1974 (20 U.S.C. Sec. 1701 et seq.) and federal regulations promulgated pursuant to such court decisions and federal statutes. . . .
>
> . . . . . .

(h) "Bilingual-crosscultural teacher" means a person who (1) holds a valid, regular California teaching credential, and (2) holds either a bilingual-crosscultural certificate of proficiency or other credentials in bilingual education authorized by the Commission for Teacher Preparation and Licensing or a bilingual-crosscultural specialist credential. Such a person shall be fluent in the primary language and familiar with the cultural heritage of the limited-English-speaking pupils in the bilingual classes he or she conducts. Such a person shall have a professional working knowledge of the methodologies which must be employed to effectively educate those pupils. . . .

. . . . . .

(a) Each school district with more than 50 limited-English-speaking pupils shall establish a districtwide advisory committee on bilingual education. Parents or guardians, or both, of limited-English-speaking pupils who are not employed by the district shall constitute a majority of the committee. . . . The district advisory committee and subcommittee, if applicable, shall be responsible for at least six specific tasks. These tasks shall be to advise the district governing board regarding:

(1) Establishment of a timetable for development of a district master plan for bilingual education

(2) Districtwide needs assessment on a school by school basis

(3) Establishment of district program goals and objectives in bilingual education

(4) Recommendations as to which schools to include in each phase of expansion . . .

. . . . . .

(6) Administration of the annual language census.

(b) Each school with more than 20 limited-English-speaking pupils shall establish a school level advisory committee on which parents or guardians, or both, of limited-English-speaking pupils constitute membership in at least the same percentage as their children and wards represent of the total number of pupils in the school. . . .

(c) Each school advisory committee maintained pursuant to this section shall be responsible for advising the principal and staff in the development

> of a detailed master plan for bilingual education for the individual school and submitting the plan to the governing board for consideration for inclusion in the district master plan. It shall also be responsible for assisting in the development of the school needs assessment and language census. (AB1329, chap. 978)

The Bilingual Education Act of 1976 (AB1329, Chacon-Moscone) is an example of the synthesis of long-term social pressures to bring mandated state supported bilingual education to California school districts. Blas M. Garza, Jr., is chairman of the Equal Education Opportunity Committee of the Association of California School Administrators. He has stated (1975:3):

> . . . Bilingual education is not just for the benefit of the Chicano. With well-run programs, the school administrator enhances his administrative competency, the classroom teacher reduces his learning problems, the dominant English-speaking (Anglo) child gains a second language and insight into another culture, and the school district gains a reliable intergroup relations program.

Though this investigator agrees with Dr. Garza's sentiments, it seems necessary to point out that such ideal situations are not often reflected in actual circumstances. It was found through a United Stated government sponsored study of 130 bilingual projects through the nation (USOE, 1975) that 71 were minority and 29 were white. The survey also found that the most successful efforts to promote cultural pluralism were in two areas: bilingual education

and curriculum development. The obvious reason for this was the demand for bilingual education. An example of this need is illustrated in the largest school district in California, where 19 percent of its population was Spanish surname in 1966. By October 1978, the Spanish-surname student count had risen to 44 percent, with Latins the fastest growing census segment because of high birthrate and immigration (Los Angeles Unified School District, 1979). Some school districts have reshaped their curricular offerings to comply with court decisions, subsequently generating lessons and learning units that seem to be culturally fair. This usually is in relationship to the severity of their problems--and the availability of adequately trained personnel. Neill (1979:341) says that fewer than 3 percent of recent (1973-76) teacher education graduates have sufficient linguistic competencies to participate in bilingual education programs.

In summary, when the California legislature passed AB1329, its apparent intent was to implement the following:

A. An accurate census of the number of non-English and limited-English-speaking students in each California school

B. Instruction in the primary language of every student enrolled in a California school

C. A certificated bilingual teacher conducting all classes of 10 or more non-English-speaking or 15 or more limited-English-speaking students

D. The purchase and/or development of appropriate bilingual materials in each school district

E. The attainment of student competency in his primary language and English

F. Parent involvement and the training of advisory groups

G. Instruction in a foreign language for fluent-English-speaking students enrolled in bilingual classrooms

H. Individual learning plans and tutoring for all limited- and non-English-speaking students who are not enrolled in bilingual classrooms.

CHAPTER III

BASIC ASSUMPTIONS RELATED TO IMPLEMENTATION OF THE BILINGUAL EDUCATION ACT OF 1976

Statement of the Problem

Under a state mandate, all school districts in California were required to implement the Bilingual Education Act of 1976 (AB1329) in September of 1977 (Chacon, 1977, Section 5767.2). In order to evaluate the implementation of the first year of AB1329, an investigation should be made of something beyond assessing the meager aggregate of data collected by the State Department of Education. These are related to numbers of students classified as non- and limited-English-speaking, the certified bilingual teachers, and those on waiver plus the total dollars allocated. Interviews with school administrators revealed that many districts experienced similar problems, also unique difficulties in operating under the same law. An assessment of data and experience drawn from the levels of a single school and a large district was desirable.

Long tradition and practice have established the concept of local autonomy for California school districts. They found, however, that AB1329 was written with such tight state constraints that local school administrators had neither the time nor the flexibility to conform to all facets of the new law. How they fared, what the imposition of fixed reporting dates lead to and the reaction of the California State Department of Education to the local school districts' response to the program is interesting to note. Although the legislation mandates bilingual classes, there is no requirement that students attend them unless parents agree that the children be enrolled (Chacon, 1977, Section 5767.11). Differences in parental attitude and ethnic population may modify the requirement for bilingual classes. The main consistency is that all NES/LES students, when not in bilingual classes, are provided with individual learning plans (Chacon, 1977, Section 5767.2) in their regular classrooms and some tutoring in their native language.

A major problem is that there is almost no published material concerning the intent and implementation of the California BIlingual Education Act of 1976. This study

sought, from a sociological point of view, to answer the following questions in order to rectify the deficiency:

1. How effective was the implementation of AB1329 during its first year?
2. What problems did school districts encounter in implementation of this first year?

Statement of the Legislative Intent

The apparent intent of the legislators in enacting AB1329 is contained in the following quotations from the Legislative Counsel's Digest of the bill (see Appendix F, p. 118). This bill will require:

1. . . . each limited-English-speaking pupil, as defined, enrolled in the California public school system in kindergarten through grade 12 to receive instruction in a language understandable to the pupil which recognizes the pupil's primary language and teaches the pupil English. . . .
2. . . . that bilingual instruction funded under the 1972 act shall continue until replaced by or incorporated into programs funded by this bill and for a gradual phase-in of bilingual-crosscultural programs.
3. This bill would provide for maximum state reimbursements to school districts commencing in the 1977-78 school year and thereafter.
4. . . . periodic reports regarding the instruction offered.
5. . . . the establishment of school district advisory committees on bilingual education.
6. . . . the State Board of Education to adopt rules and regulations regarding bilingual programs and would require such programs to be administered by the Superintendent of Public Instruction as specified.

7. . . . teachers and teacher aides to be fluent in the primary language of the limited-English-speaking pupils in order to be permitted to teach in any bilingual-crosscultural program except where there is a shortage of qualified bilingual teachers or teacher aides as specified.
8. . . . the Commission for Teacher Preparation and Licensing to carry out various responsibilities and duties with respect to the programs prescribed by this bill.
9. . . . the Superintendent of Public Instruction to allocate funds made available for bilingual-crosscultural education programs in a specified manner. (See Appendix, pp. 103-17, for the complete document.)

Criteria for Evaluating the First Year of the Implementation of the Law in Two Southern California School Districts.

The following criteria were drawn from the context of AB1329 and applied to assess whether or not they were carried out in two dissimilar Southern California school districts during the first year of the program's implementation. The bill requires that:

1. An accurate language census be accomplished by each school and reported by the local school district to the State Department of Education no later than December 1, 1977
2. Certified bilingual teachers or teachers with bilingual aides be provided for 10 or more NES or 15 or more LES students enrolled per grade level

3. NES/LES students receive daily classroom instruction in a language they understand and in English
4. Parents or guardians of NES/LES students may request that their children not be enrolled in a bilingual classroom
5. Students not enrolled in a bilingual classroom must be individually evaluated and receive instructional services under an individual learning plan.

Hypotheses

1. As there is little agreement about what an effective instrument for language assessment should contain and as the state-distributed San Diego Observation Assessment Instrument was one of the shortest and least complex available, some challenge concerning its reliability can be predicted.

2. Time constraints regarding reporting and the logistics of the complex program will make it difficult to implement.

3. School districts will find it difficult to recruit sufficient certified bilingual teachers.

4. Parent acceptance for placing children in bilingual classrooms will vary by geographic location and ethnicity.

5. All bilingual programs that may be counted as AB1329 classrooms (Title VII, AB2284, ESL, ILP, tutoring, etc.) will not serve the primary purpose of learning English equally well.

Methodology

The methods applied in the study included: a search of published and unpublished literature; an analysis of the law mandating bilingual classes in California; interviews with parents, teachers, administrators, and consultants in the field of linguistics and/or curriculum materials; as well as data gathered from Southern California school districts as they implemented the first year of the program.

Library research was based upon an investigation of sources in books, professional periodicals, and government documents. Mainly background materials were culled from these sources, however, as little direct reference to the implementation of AB1329 was found--probably because the program began to operate so recently, in September of 1977.

More fruitful were contacts with the staff of Assemblyman Peter Chacon (for a chronological overview of his part in the development of AB1329), with the Latino

education organizations and the Chief Clerk of the California Assembly. These sources furnished the history and intent of the legislation plus provided data upon which the new law could be justified.

Interviews with parents provided a measure of the support (and/or lack of it) for bilingual instruction based on their experience in the real world of work. Teachers expressed their anxieties toward the process of certification as bilingual-crosscultural instructors and their willingness (or lack of it) to become a part of the changes in the instructional program. Administrators outlined the problems in implementing the law and their concerns that the stiff constraints written into it may make it impossible to maintain the program.

Reluctance of school districts to release data concerning the program was evident and opinions as to its success were hedged in terms of the fact that it was too early to make an accurate assessment. Data relating to the effectiveness of the San Diego Observation Instrument, the administrative organization of classes and the progress of NES/LES students during the year were made available by two Southern California school districts. Data concerned with the language dominance of students, the numbers of

California teachers on waiver from bilingual certification requirements and the total dollars allocated to local school districts for the year of operation were obtained from the State Department of Education.

School district data presented in the succeeding chapter were gathered from compilations of written communication with parents (Home Language Survey), records of individual student language dominance instrument scores (both pre and post) and the numbers of bilingual classes established. Data comparing the San Diego Observation Assessment Instrument and the Basic Inventory of Natural Language (to support the contention that the SDOAI underestimates the number of LES students in school districts) were generated by calculating the percentage of difference for the three classifications--non-English-speaking, limited-English-speaking, and fluent-English-speaking. Further, correlations between each of the classifications in the two tests were calculated, and finally, a t-value to establish the significance of the observed difference was obtained.

Latent Effects of AB1329

Though the controversy generally is couched in learned, polite terms, specialists in the linguistics of

English find that to discuss even the term bilingual one must begin with a definition. For the purposes of this study, we use the following from Burt and Dulay (1978:177):

> In this paper we use the term bilingual to describe any individual who lives in a home where a first language other than English is spoken by one or more members of the household. Given this broad definition, one's degree of bilingualism may theoretically range from a point approximating monolingualism--where one may only comprehend the most basic syntax and vocabulary in one language while speaking another fluently--to a state of "balanced" bilingualism where one's proficiency in both languages is equally high.

On the basis of the dissatisfaction of educators with language assessment instruments which Burt and Dulay (1978:179) mention, this investigator postulated that the San Diego Observation Assessment Instrument will be surplanted. Also, probably not all school districts in the state will be able to collect and report the required language dominance test results before the deadline. This will make funding from the state legislature difficult to justify in succeeding years. Lack of an accurate census will complicate the writing of individual learning plans, which of itself will be a major problem because teachers lack training and experience in this skill.

There will be a difficult problem in the logistics of choosing and providing appropriate curriculum related

materials in each language by each district. It is probable that there will be a change in the social and/or ethnic background of entry-level teachers and the courses offered by teacher training institutions. Massive in-service training programs will be necessary to equip currently tenured teachers with the proficiencies to obtain bilingual, crosscultural certification. The threat of involuntary transfer will cause anxiety among permanent teachers and add to the stresses inherent to adjustments made necessary by the law. There may be a shortage of rooms for bilingual classes, especially in those schools that already are so crowded that they are on double sessions. The problem may be compounded by an imbalance or a plethora of languages and/or the refusal of monolingual English-speaking parents to consent to a bilingual program for their children.

Further, declining birthrate patterns, except among certain ethnic groups, are evident statewide. This gives districts less enrollment and less opportunity to hire entry-level bilingual teachers. This may cause the dismissal of monolingual tenured teachers who cannot qualify for AB1329 classroom assignments. On the basis of what some administrators say, it could be postulated that,

either by omission or commission, a latent consequence of the legislature's activity was to make the legislation so restrictive in its prescriptive aspects that it will become inoperable.

CHAPTER IV

IMPLEMENTATION DURING THE FIRST YEAR

In the first year of mandated operation of the Bilingual Education Act of 1976 (AB1329), school districts in California found its implementation to be far more complex than the state legislature apparently had contemplated. Due to the logistics of testing from 1 to 52 percent (perhaps more) of their students in from 1 to 81 languages, many districts missed the first deadline of November 30, 1977, for the completion of the language survey. Further, the lack of bilingual teachers caused districts serious problems in that there were fewer than 1,600 credentialed or certified personnel in the state who could legally teach AB1329 classes. Along with the above problems, there was the cost effectiveness of training personnel and providing time for individual testing of pupils who, according to a home survey, spoke a foreign language with their parents and therefore had to be assessed for language dominance.

Nonetheless, AB1329 was implemented in most school districts in California in September of 1977 with $2,984,084

and demands from the State Department of Education. Bilingual teachers were employed or waivers were granted,* a language dominance census was conducted, advisory committees were formed, children were assigned to classes in approximately the proper dominant language proportions, individual learning plans were written--the program was underway. In some places, such as one of the "Hollywood Cluster" schools, the implementation was complicated by the fact that the school's 516 pupils come from over 50 countries and represent 29 language communities. Consultants in linguistics employed by the Los Angeles Unified School District found that students enrolled in this, the largest school district in California, represent 81 language communities (Los Angeles City Schools, 1977).

Interviews with some 70 parents revealed that those from Oriental and Middle Eastern countries seem to prefer an "English immersion" program to bilingual classes, as do most Spanish-speaking parents from countries other than Mexico. They reason that this is the best way for their children to become proficient in English as quickly as

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*Of the 1,043 school districts in California, 55 requested waivers for 4,641 teachers.

possible so they will be prepared for American colleges and/or adequate employment. Most of these parents are refugees and daily face the frustration of lowered social and economic status because of their lack of facility in English. Parents of Mexican background are the most enthusiastic about bilingual classes to foster native language maintenance, but not unanimous in the choice.

Assessing Language Proficiency

The provision in AB1329 which requires each school district, other than a community college district, to undertake a census of the number of pupils of limited-English-speaking ability in the district and report its findings to the State Department of Education brought into general discussion the fact that there is great lack of agreement about what constitutes a valid assessment instrument. Linguists who write the tests have sharp differences of opinion. Burt and Dulay (1978:179) comment on this:

> . . . Suffice it here to say that important issues which call into question the correctness of some of the major assumptions underlying such indices have been raised, adding to the growing dissatisfaction of educators with the use of indirect measures of comprehensive educational planning. Inferential measures of language dominance, moreover, have not been validated with direct measures of proficiency.
>
> It seems ill-advised, therefore, to rely on them for anything more than the restricted socio-

> linguistic and psycholinguistic purposes for which they were designed. This caution is even more urgent given that the measurement of language dominance is an educational necessity and a legal requirement in school populations with linguistic minority students. Great educational harm can be done to students if the instruments used to measure their degree of bilingualism are invalid and result in erroneous placement or misplacement of educational needs.

An examination of their Bilingual Syntax Measure II (English & Spanish, 1977) reveals that the results are most accurately arrived at by subjective evaluation of the child's responses by a specially trained professional. Hollowman (1977:389-99) agrees with this concept in his discussion of the use of his Bilingual Information-Eliciting Question Instrument, which also is in English and Spanish.*

The California Superintendent of Instruction designated that the San Diego Observation Assessment Instrument be adopted for statewide use for October of 1977. School districts could opt to use another instrument, provided that the test met the criteria established by the State Department of Education and that it was officially approved by the department. Because this department distributed the

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*The structure, administration, scoring, and analysis of the results obtained from these two tests are very similar to those of the SDOAI.

San Diego Observation Assessment Instrument and conducted inservice training in its use, all but 44 districts chose this instrument. Thus, those who administered the test were not professionally trained in linguistics but hastily trained teachers and aides.

As the results were being tabulated for the Consolidated Enrollment Form R-30 (upon which they were required to be reported to the State Department of Education), certain patterns became apparent. Cultural bias was reflected in the subjectivity of the evaluation recorded, perhaps because those who tested the pupils had too little background in linguistics. It was reported that in several schools, aides from one ethnic group decided among themselves which children would receive the highest scores in English proficiency. While administering the tests, they coached the pupils from families of high social status in order to assist these students in receiving better scores than those of lower social status in that ethnic community.

This investigator assisted in the administration of both the San Diego Observation Instrument and the Basic Inventory of Natural Language within a period of four weeks. In the case of the first test, the children were taken by

a bilingual teacher, aide or volunteer on an individual basis, asked specified questions about a picture on a one-to-one basis, with the adult recording the responses. These were scored immediately after the pupil left the room. The score sheets were collected and tabulated by personnel in the bilingual office. In the case of the second test, the child was taken from the classroom as before, then allowed to select from 36 pictures the 4 that seemed most interesting to him and tell anything that came to his mind about them. These comments were recorded on a tape and transcribed onto the Individual Oral Scores Sheet (by the administrator) after the pupil left the room. The responses on these sheets were analyzed with a computer program.

An Analysis of Language Assessment Data

When the raw data from each test were returned to the school, the writer tabulated them, calculated percentage differences, computed a correlation between each of the classifications on the two tests and derived a t-value to ascertain the significance of the differences.

In the two samples of this same population, taken in this school within a four-week period, the difference between the results of the San Diego Observation Assessment

Instrument, a subjectively scored test of language dominance, and the Basic Inventory of Natural Language, a more comprehensive and objectively scored instrument, were as follows:

1. The Basic Inventory of Natural Language test indicated 19 percent fewer fluent-English-speaking students, 6 percent fewer non-English-speaking students, and 24 percent more limited-English-speaking students, or when combined, a total of 18 percent more limited- and non-English-speaking students for the same population than when tested with the San Diego Observation Assessment Instrument.
2. The correlations below demonstrate the difference in the measurement of FES and LES students when a comparison is made between the San Diego Observation Assessment Instrument and the Basic Inventory of Natural Language. As indicated above in number 1, from the percentages derived, the Basic Inventory of Natural Language is a more sophisticated test and renders a more accurate diagnosis of language dominance. Since the two tests were designed to measure the same factors we can expect the correlation to be .70 or above. However, the following dissimilar relationships were

obtained:

a) The correlation between the numbers of FES students on the two tests was .43.

b) The correlation between the numbers of NES students on the two tests was .87.

c) The correlation between the numbers of LES students on the two tests was .44.

3. When the t-test is applied to the foregoing correlations, two of them yield a t-value indicating that the results of the two tests are significantly different at the .01 level of confidence for the identification of FES and LES students. (See Tables 1 and 2.)

Some Facets of Implementation

The implementation of AB1329 can be as simple as assigning a bilingual teacher (or a teacher on waiver and a bilingual aide) to a class already happily in the proper language dominance proportions, to a complete reorganization of every class in a school. The law states it this way:

> . . . (c) "Bilingual-bicultural education" is a system of instruction which uses two languages, one of which is English, as a means of instruction. It is a means of instruction which builds upon and expands the existing language skills of each participating pupil, which will enable the pupil to achieve competency in both languages.

TABLE 1

STUDENT LANGUAGE ASSESSMENT

(San Diego Assessment Observation Instrument)

Grade	NES	LES	FES	Total Children
Kindergarten	17	15	10	42
1	13	19	18	50
2	5	16	26	47
3	4	22	30	56
4	8	07	21	36
5	9	08	26	43
6	5	11	18	34
Total	61	98*	149*	308

*Sig. < .01, t-test.

TABLE 2

STUDENT LANGUAGE ASSESSMENT

(Bilingual Inventory of Natural Languages)

Grade	NES	LES	FES	Total Children
Kindergarten	17	14	12	43
1	8	24	14	46
2	6	25	17	48
3	2	40	13	55
4	6	22	13	41
5	3	27	14	44
6	2	25	8	35
Total	44	177*	91*	312

*Sig. < .01, t-test.

This instruction shall include:

(1) Daily instruction in English, language arts, listening, speaking, reading and writing;
(2) Language development in the pupil's primary language;
(3) Reading in the pupil's primary language;
(4) Selected subjects taught in the pupil's primary language; and
(5) Development of an understanding of customs and values of the cultures associated with the languages being taught as well as an understanding of the history and culture of California and the United States. . . . (Education Code, chap. 5.76, sec. 5767.05)

As no provision for criteria to establish that a student is ready to exit from a bilingual program into regular English instruction is included in the law, school districts must decide what are reasonable measures. At the aforementioned school in the "Hollywood Cluster," the Oral English Proficiency Placement Test, H-200 Materials--Levels I and II (Moreno, 1974) was used for exit into English instruction if the child also could read at the second level in his primary language. This investigator administered the Moreno test to all NES/LES children and steps 4-15 of LEAMOS (LAUSD, 1976) to native Spanish speakers in grades 1 through 6. A LES child who passed both tests was placed in an all-English daily program unless his parents requested that he have Spanish reading. Bilingual teaching assistants tested those LES children who

spoke Korean, the only other language in which such a test was available.

When the BINL, Moreno, and reading test scores were compared, it was found that to comply with the law each of the 23 classrooms and every reading group in the school had to be reorganized. In addition, 21 Spanish and 12 Korean reading groups were established. Thirty-seven children were served by Individual Learning Plans in these and 11 additional languages. Daily programs, methods of instruction, and instructional materials had to be changed. A minimum of 16 hours of inservice training for teaching assistants and 54 for the certificated staff members was required. All teachers were on waiver and only one was enrolled in a program to obtain a bilingual-crosscultural credential.

Nineteen children (representing all grades) who apparently had functioned as FES students for all of their school careers were rated LES on the BINL scores. A review of their attendance records showed that annually each one had spent an average of two school months in his native country. All were below grade level in English reading skills. None had ever attended school in his native language, so none had primary language reading skills.

They found primary language reading tests almost unintelligible and balked at being required to take them. They and their parents were greatly upset when told the children would be placed in primary language reading groups and all refused to agree to this. Interviews with the parents of these children revealed that they did not like even the Individual Learning Plans required by AB1329.

One large elementary school district (enrollment approximately 15,000 minority population, 34%) made a major effort to comply with the mandates of AB1329. The San Diego Assessment Observation Instrument was used to evaluate the English proficiency of the 4,000 pupils who spoke another language at home. Of these 4,000 students, 826 were categorized as NES or LES. Twenty-three Title VII, AB2284 and AB1329 bilingual classes were established. Where there were less than 10 NES or 15 LES students per grade in a school, they were placed on Individual Learning Plans and given English-as-a-second-language instruction.

The San Diego Assessment Observation Instrument was administered by bilingual aides who had received inservice training from California State Department of Education consultants and the district bilingual education office. Each child was asked the same specific questions

about a picture by a bilingual aide on a one-to-one basis, with the adult recording the student's response on the face of the test. Immediately after the test was completed, the aide used individual, subjective criteria to calculate the score. Aides testing bilingual students were supervised by a bilingual teacher until their competency was established. Using the data from these tests, the district established the classes summarized in Table 3.

In this school district the end product of one year's experience with this mandate is as follows:

1. 15,000 letters were sent to parents to ascertain the language spoken in the home
2. 4,011 students were assessed individually on the San Diego Observation Assessment Instrument for language dominance
3. 826 kindergarten through grade eight students were found to be non-English-speaking or limited-English-speaking
4. 251 Individual Learning Plans were written and these students given English-as-a-second-language tutoring
5. 713 students (including 138 FES ones) were placed in 23 bilingual classes and given one year of instruction
6. 826 limited- and non-English-speaking students were

TABLE 3

BILINGUAL CLASSES ESTABLISHED

School	Grade 1	2	3	4	5	6	7	8
A	2	1	1	1	1			
B	1							
C							1	1
D	1	1						
E	1		1	1				
F	1							
G	1							
H	1							
I	2	2	1	1				
	10	4	3	3	1	0	1	1

Total = 23

given an exit test in June of 1978 on the same San Diego Observation Assessment Instrument

7. 214 (or 26%) of the limited- and non-English-speaking students attained practical fluency in English.

The calculations in numbers 5, 6, and 7 immediately above are illustrated in Table 4.

It is interesting to note that in the above school district with a population of 750 NES-LES students at two schools where there were Title VII bilingual classes and three schools where there are AB2284 classes (both can legally be categorized as AB1329 classes), the percentages of students moving to a fluent English status were different. In general a greater percentage of students in AB2284 bilingual classes made the transition during one year's instruction from NES or LES to fluent English (30.6%). Students who were enrolled in the same district's Title VII classes made less progress toward transition (16.5%). Other students (fewer than 10 NES or 15 LES per grade) in schools where no bilingual classes were held who had Individual Learning Plans and English-as-a-second-language instruction several hours per week made approximately the same gains progress as the most successful regular bilingual classes (28%).

TABLE 4

STUDENTS EXITING AB1329 CLASSES FOR REGULAR INSTRUCTION PRE- AND POSTTESTING

Grade	Pretest Fall 1977 NES	Pretest Fall 1977 LES	Posttest Spring 1978 Change to FES
Kindergarten	113	95	13
1	65	87	28
2	19	80	27
3	25	82	42
4	11	68	31
5	10	48	28
6	12	32	9
7	10	34	16
8	7	28	20
Total	272	554	214

Who Will Be the Necessary Bilingual Teachers?

The pressure to find bilingual teachers for the over one-quarter of a million students who were identified as NES/LES in California appeared to be changing who will teach in this state.

Charters (Siebers & Wilder, 1973:298) seeks to describe the American teacher in terms of social as well as occupational status. He writes:

> . . . We find that American teachers may be characterized as predominantly college-educated, native-born, Protestant, white, middle-aged, married females of middle-class and possibly rural or small-town origin. The modal description is based upon the occupational group as it is currently constituted and does not necessarily represent the kinds of people now being recruited into teaching.

He also notes that throughout the years social forces apparently have caused variations in the characteristics of those who teach in this country. This view seems to be confirmed by a new study, The State of Teacher Education in 1977, conducted for HEW's National Center for Education Statistics. It highlights these findings: (1) teacher preparation institutions are cutting back in surplus areas such as general elementary and secondary education and expanding offerings in such areas as bilingual, multicultural, and special education; (2) fewer than

3 percent of recent teacher education graduates have sufficient linguistic competencies to participate in bilingual education programs; and (3) approximately 11 percent of the recent graduates are from minority ethnic backgrounds (Neill, 1979).

It seems improbable that a major segment of the largely middle-class, middle-aged teacher population will become truly bilingual. At least on the national level there seem to be a few new graduates who are bilingual. Reyes (1975) feels that most of the California teachers will come from instructional aides who want to become teachers. The Bilingual Teacher Preparation Act of 1974 (AB2817) provides $4.8 million for five years to develop bilingual teacher training programs and a stipend for those aides who are teacher-training students.

In an interview with the director of bilingual programs for the largest unified school district in California, this researcher learned that his problems of staffing bilingual classrooms were acute. Experienced teachers, most of whom had tenure, felt threatened. Many believed that it would be impossible to acquire sufficient coursework at colleges and universities or participate in enough inservice training to qualify for either a Bilingual/

Crosscultural Credential or a Certificate of Competency. Implicit in the law is the possibility that, after a waiver period, those not qualified to teach bilingual classes may be administratively transferred. According to a survey of 5,000 Chicago teachers (Malkofsky, 1978), the most stressful event in their professional lives is the threat of involuntary transfer. Landsmann (1978:49) summarizes the findings of a national survey conducted by Instructor and the American School Health Association in 1976. The questions that elicited open-ended answers isolated stress (tension, pressure) as the major force affecting the health of the more than 9,000 respondents. She states:

> . . . doctors acknowledge that many of the chronic problems teachers listed--headaches; allergies; colds; postnasal drip; hypertension; bladder, bowel, and kidney problems; colitis; "nervous stomach"; acne; and overweight--are often related to tension.

An additional threat to teachers is the fact that AB1329 also implies that if declining enrollment of English-speaking students calls for a reduction in service, even the tenured teachers may be dismissed, simply because they are monolingual English speaking.

Implications for Succeeding Years in One Large Southern California School District

Implications for AB1329 in succeeding years of operation are illustrated in Table 5. When one analyzes the ethnic distribution of students in a large metoropolitan school district, one finds that approximately 7 percent of the population is Other, 24 percent White, 26 percent Black, and 42 percent Hispanic. Extrapolating from these figures (using the grade level percentages for the same school district), one finds a probability of increasing numbers of NES/LES students, since between 18 and 20 percent of all Hispanic students fall in the NES/LES categories. There is an almost flat Black and Other distribution through the grades and what appears to be a declining White population along with an extremely high elementary Hispanic count. As Hispanic students move up through the grades, and if new students enter in the same proportion at the elementary level, AB1329 classes will expand rapidly. This circumstance is not unique to the school district used as an example in Table 5. Many California school districts will experience a need for similar increases in the number of bilingual classrooms.

It is evident from the preceding information that the logistics of mounting the new program were difficult

TABLE 5

APPROXIMATE ETHNIC DISTRIBUTION IN A LARGE METROPOLITAN SCHOOL DISTRICT

	K-6 Elementary	7-9 Jr. High	10-12 High School
Other*	7.9%	7.2%	7.4%
White	12.8	29.4	40.7
Black	26.6	28.3	25.2
Hispanic	52.7	35.1	26.7

*Other includes Asian, Middle Eastern, Pacific Islander, etc.

and less than optimum services were delivered to the 256,300 identified LES/NES students in the state. This is particularly true in light of the fact that state financial support averaged about $13 per pupil. We can see that social pressures and appropriate financial support are not always highly correlated.

CHAPTER V

SUMMARY, CONCLUSIONS, AND RECOMMENDATIONS

Summary

In this concluding chapter is a statement of the purpose of the study. Following this statement are conclusions drawn from the findings. The purpose of this study was to document and evaluate the first year of implementation of the California Bilingual Education Act of 1976.

The investigator sought to answer the following questions:

1. What were some of the problems school districts encountered in the implementation of AB1329 the first year?
2. How effective was the implementation of the bill during its first year?

The study was specifically concerned with:

1. How reasonable was the November, 1977, date for the submission of the language survey using the San Diego Assessment Observation Instrument?
2. How accurate was the assessment of non-English, limited-English and fluent-English-speaking students?

3. How did the lack of trained professional personnel to administer the tests affect test results?
4. What were the problems concerning the availability of certified bilingual teachers?
5. Did teachers and aides provide Individual Learning Plans for NES/LES students not placed in bilingual classrooms?
6. Is the preference of parents to have their children in regular classrooms a problem in AB1329's implementation?
7. Were teachers intimidated by the signed statements requiring them to become bilingual as a condition of granting a waiver from bilingual certification?
8. Did the low per-pupil funding of AB1329 hamper its implementation?
9. What do projections (particularly in Southern California) imply for the future of AB1329?

Procedure

The following steps were employed in the conduct of the study:

1. A review of the literature and research pertaining to bilingual education, the legislation preceding AB1329 and the social pressures to enact this legislation

was made.

2. Conferences on bilingual education and their published content were analyzed.
3. Legislators were contacted to explain the intent of bilingual education bills in California along with the exposition of the history and the development of these laws.
4. Interviews were conducted with administrative personnel in the two large school districts for which data were presented.
5. Data were gathered from primary sources at the local district level and from the California State Department of Education.
6. Language dominance tests were administered, evaluated, and compared.
7. Data collected in the two school districts were organized, analyzed, and interpreted.
8. Teachers were interviewed to ascertain their perceptions of the implementation of AB1329 and to gather their reactions to the pressures generated by the conditions of complement under which waivers of certification were granted.
9. Parents of NES/LES students were interviewed concerning

their choices of bilingual versus regular classroom instruction.

Findings

The findings drawn from Chapter IV indicate that in the first year of mandated operation of AB1329 many districts missed the November 30, 1977 deadline for submission of the language survey.

1. In one Southern California county only one school district with a large number of NES/LES students enrolled submitted a report by the required November 30, 1977 due date. Communication with the California State Department of Education indicated that similar circumstances were prevalent in many of other counties, but as far as this writer could ascertain no accurate record of late submission was maintained. One unified district was unable to complete the language survey until the spring of 1978.
2. The logistics of sending the Home Language Survey to each parent in every district and the late October distribution of the San Diego Observation Assessment Instrument to school districts caused a truncated testing period and insured late submission.

3. In large metropolitan school districts, the process for individually assessing language dominance for from 20 to more than 40 percent of their students took a longer period of time than contemplated by the State Department of Education or the legislature.
4. Hasty State Department of Education training of teachers, aides, and volunteers caused the testing program to proceed slowly in many school districts.
5. Lack of personnel trained in linguistics to administer the language assessment test along with ethnic bias may have caused a weakening of the reliability of test results. A question concerning the level of validity of the San Diego Observation Assessment Instrument as a language assessment instrument must be raised since it seemed to identify NES students accurately but had some difficulty in discriminating clearly between LES and FES students. This limitation stems from the narrow structure of the SDOAI and constraints in the number of language stimulants presented.
6. Having tested students and established the need for bilingual classes, local school districts found that in crowded inner city schools or other urban areas, establishment of AB1329 classes posed problems in space

allocation. Classes are prescribed to have a two-thirds LES/NES to one-third FES proportion plus written parental permission must be granted for all such enrollment. School administrators found that class placement was not accomplished in such rational numbers. Children did not enroll in such neat proportions. Student transiency added to placement as well as staffing problems.

7. Three program types legal under AB1329 provided differentiated results in preparing Spanish-speaking NES/LES students to move from bilingual classes to regular classrooms. English-as-a-second-language in conjunction with Individual Learning Plans and AB2284 (English proficiency after a Spanish transition period) were more efficient at exiting students than a Title VII Spanish maintenance-ESL program.
8. Among parents of NES/LES children there was a difference of opinion as to whether or not bilingual classes were desirable. In general, parents of Mexican children were the most supportive of bilingual classes, however, other Latins, from Central and South America, objected on the basis that immersion in English was better. Middle Eastern, Oriental and European parents also

favored immersion in English, although many newly arrived Korean parents allowed their children to be placed in bilingual classrooms.

9. The advent of AB1329 caused tenured, regular teachers to become anxious about the threat of administrative transfer or perhaps, at the end of a waiver period, dismissal on the basis of reduction in service because they were monolingual English speaking.
10. The composition and ethnic origins of the teaching staff in many school districts may change because of the requirement for bilingual teachers.
11. An analysis of the first year of implementation of AB1329, including taking into consideration the enrollment patterns (particularly of Hispanic students), indicates that the number of bilingual classes will increase markedly in succeeding years.

Conclusions

The conclusions drawn were the result of an analysis of the data obtained and presented in the previous chapters as well as the findings of the study. General conclusions were that, according to the criteria found in the literature, the Bilingual Education Act of 1976, Assembly Bill 1329 is a technically sound, though very restrictive piece

of legislation aimed at providing bilingual education for limited- and non-English-speaking students. The restrictive nature of the bill caused major delays in the first year of implementation and will make compliance with the law difficult in succeeding years. Most districts needed bilingual aides to support classroom teachers who were on waiver so the allocation of less than $20 per pupil did not support the program.

The validity of the San Diego Observation Assessment Instrument is in question because of its subjective scoring and lack of discrimination. It can be concluded that it underestimated the number of LES students and overestimated the number of FES students. Thus, it impeded the implementation of AB1329 in the first year and caused the program to serve fewer students than was warranted. Those factors were as follows:

1. Both the reliability and validity of this test were so questionable that it should not be used as a language assessment instrument in succeeding years.
2. The primary asset accruing to the test was that it was available in at least 22 languages. The October 1977 delivery of the Home Language Survey and the subsequent individualized testing of bilingual students before the

December 1, 1977 reporting deadline caused AB1329 to be implemented in an expedient manner.

a) Forms for the Home Language Survey and the testing instrument were received later than projected

b) Mandated State Department of Education inservice training concerned with test administration further slowed the compilation of the reports

c) In many school districts the process of correcting, compiling and reporting the data (often concerning more than 10% of the students in the district) caused the implementation to be delayed until January 1978, or later.

School districts found it difficult to recruit credentialed bilingual teachers holding the appropriate certificate of competency in the diverse languages needed. The fact that there were 4,641 requests for waiver of this qualification leads to the conclusion that many school districts were unable to comply with the law and/or provided substandard primary language instruction.

1. The small number of institutions which were certified to evaluate bilingual teachers for language proficiency, knowledge of bilingual curriculum and ethnic culture were slow to develop their examinations.

2. The examinations mentioned above apparently included unrealistic criteria which eliminated experienced bilingual teachers.

Parents belonging to certain ethnic groups were not in agreement with the law requiring that their NES/LES children be placed in bilingual classrooms. Parents of FES students also balked at bilingual placement and requested that their children be in monolingual English classrooms. One can conclude that these opinions came largely from their ethnic background and/or geographic origin.

1. Many Mexican parents, because of their Chicano orientation, were supportive of bilingual instruction.
2. Often Oriental, Middle Eastern and European parents were less supportive because of their orientation toward English immersion.
3. Non-English-speaking Korean parents allowed their children to be enrolled in bilingual classes.

There is a difference in the effectiveness of programs legally used to achieve a primary objective of AB1329, English fluency. Of these (1) English proficiency after Spanish transition classes and (2) instruction in English-as-a-second-language coupled with an individual

learning plan, are two of the more efficient instructional methods. One may conclude that NES/LES students make better progress toward English proficiency through time spent in oral English development and English reading. Further, Spanish maintenance will enhance an objective other than English fluency.

Recommendations

On the basis of the findings and conclusions, the following recommendations are offered:

1. Those facets of the legislation that are narrowly prescriptive and restrictive should be modified so that the inherent benefits of the law are not lost.
2. Because of the logistics involved, more time should be allowed between the collection of data about the Home Language Survey, student testing, local school implementation and the reporting of this information to the State Department of Education.
3. There should be continuing efforts to improve the validity of the language assessment instruments as well as the training of the personnel responsible for administering these tests. In addition, flexible, state-recommended exit criteria should be developed and distributed by the State Department of Education.

These will establish guidelines for districts and promote uniform procedures.

4. Funds to assist experienced monolingual teachers to gain Certificates of Competency or Bilingual Cross-cultural Credentials should be made available.
5. There should be continued funding for the Bilingual-Crosscultural Teacher Training Act of 1973. These funds would best be used to evaluate and modify (as necessary) the language, methods and culture courses that are required for certificated teachers to qualify for a Bilingual-Crosscultural Specialist Credential. The grant program should continue to allocate monies for bilingual aides to participate in sequential career ladder training.

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